

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/30/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2002-090599

FILED: _____

MARK V SCALES

CHRISTOPHER R TRAUTMAN

v.

DENNIS MILLER

JEFFREY A MCKEE

SOUTH MESA-GILBERT JUSTICE
COURT
REMAND DESK-SE

MINUTE ENTRY

This Court has reviewed Appellee's Motion to Dismiss Appeal and Appellant's response thereto.

This Court finds the ruling appealed is the January 7, 2002 ruling by the trial court vacating the previous award of attorney's fees and costs. The Notice of Appeal was filed February 6, 2002. Clearly, the Notice of Appeal was not timely filed in this case. The time for filing a Notice of Appeal is jurisdictional.¹

Appellant has also requested relief pursuant to Rule 60(C)(6), Arizona Rules of Civil Procedure. However, this Court notes that no Rule 60 Motion was made to the trial court. This Court is without jurisdiction in the absence of a timely appeal.

IT IS THEREFORE granting Appellee's Motion to Dismiss.

¹ State v. Berry, 133 Ariz. 264, 650 P.2d 1246 (App. 1982).
Docket Code 506

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IT IS FURTHER ORDERED remanding this matter back to the
South Mesa-Gilbert Justice Court for all further and future
proceedings in this case.